APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,497	10/13/1999	CHUAN-YU HSU	JCLA5184	7522

7590   11/27/2002

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EXAMINER
GRANT II, JEROME

ART UNIT	PAPER NUMBER
2624	

DATE MAILED: 11/27/2002

#5

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">

Office Action Summary</td><td colspan="2">Application No.</td><td colspan="2">Applicant(s)</td></tr>
<tr><td colspan="2">09/417,497</td><td colspan="2">HSU ET AL.</td></tr>
<tr><td></td><td colspan="2">Examiner</td><td colspan="2">Art Unit</td></tr>
<tr><td></td><td colspan="2">Jerome Grant II</td><td colspan="2">2624</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 September 2002_ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,6-9 and 14-16_ is/are rejected.

7)☒ Claim(s) _2-5 and 10-13_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

Detailed Action

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application being

examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35

U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the

amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 6-9 and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Lo.

With regard to claim 1, Lo teaches a method implemented on a user interface incorporated in a

computer system coupled with a scanner for performing an automatic scan operation an original

document, the computer system running a scanner driver and an application program; the method

comprising the steps of:

reading a set of default image processing settings in the user interface (client computer sets

processing range setting, see col. 12, lines 10-40 esp. Lines 31-40.; activating the scanner (via

scanner server 130; to perform a primitive scan operation on the original document based on the

default image processing settings to thereby obtain a primitive scanned image which is then

transferred to the scanner driver, see col. 16, lines 12-40; activating the scanner driver (Twain

device driver) to perform a set of image processing routines on the primitive scanned image to

thereby obtain the image qualities of the original document (col. 5, lines 48-57) and based on the

image qualities of the original document, specifying a set of unique image processing settings for

optimal scan of the original document (see col. 16, lines 55-62; and activating the scanner to

perform a final scan operation on the original document based on the suited image processing

settings to thereby obtain a final scanned image which is transferred to the application program

for use by the application program (see col. 16, lines 55-60).

With respect to claims 6 and 14, see col. 15, lines 47-56.

With respect to claims 7 and 15, see col. 15, lines 47-56, see also col. 1`3, lines 45-69 for

software controlling the Twain device driver.

With respect to claims 8 and 16, Lo teaches processing the text and image if text is part of the

data scanned by scanner 144.

With respect to claim 9, Lo teaches a user interface for use on a computer system coupled

with a scanner for performing an automatic scan operating on an original document, the computer

system running a scanner driver and an application program; the user interface (client computer

keyboard) comprising: means for storing a set of default image processing settings in the user

interface (client computer sets processing range setting, see col. 12, lines 10-40 esp. Lines 31-

40.; activating the scanner (via scanner server 130; to perform a primitive scan operation on the

original document based on the default image processing settings to thereby obtain a primitive

scanned image which is then transferred to the scanner driver, see col. 16, lines 12-40; activating

the scanner driver (Twain device driver) to perform a set of image processing routines on the

primitive scanned image to thereby obtain the image qualities of the original document (col. 5,

lines 48-57) and based on the image qualities of the original document, specifying a set of unique

image processing settings for optimal scan of the original document (see col. 16, lines 55-62; and

activating the scanner to perform a final scan operation on the original document based on the

suited image processing settings to thereby obtain a final scanned image which is transferred to

the application program for use by the application program (see col. 16, lines 55-60).

Claims Objected

2.   Claims 2-5 and 10-13 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

3.   **Examiner's Remarks**

At page 6 of applicant's remarks, applicant states that "Lo does not teach the storing of any

scanning parameters used for determining optimal scanning method and quality." Furthermore,

applicant contends that "Lo does not disclose any information in 'performing a primitive scan

operation on the original document based on the default image processing setting to thereby

obtain a primitive scanned image which is then transferred to the scanner driver.." The examiner

assumes that claims 1 and 9 are argued.

Upon closer view, the examiner observes that none of these arguments are suggested or

specifically stated in the claims 1 and 9.

At page 7 of the applicant's arguments, applicant argues that Lo does not teach "reading a set of

default image processing settings into the user interface. The examiner submits that this limitation

is met regarding the client computer which sets processing range settings according to col. 12,

lines 10-40 especially lines 31-40. Col. 12, line 15 states that the read scanner parameters

command is transmitted from the client computer 102 to the scanner server computer 130 to

indicated that the client computer 102 desirers to determine the content of the scanner parameters

preset to the user at the client computer. Hence is the reading of the default image processing

settings.

Furthermore, applicant argues Lo does not teach "activating the scanner to perform a primitive

scan operation." The examiner submits that a primitive scan is a first rough scan that is performed

with certain parameters, as taught by Lo. Any subsequent scan in which final parameters are used

constitutes a final scan. See col. 15, lines 60-69 where previous scan parameters (constitute a

primitive scan) and newly set parameters (new plus old scan parameters constituting a final

scan).

At page 7, applicant argues that Lo does not teach activating the scanner driver to perform a

set of image processing routines on the primitive scanned image..." The examiner has provided

support for this limitation regarding the TWAIN device driver for performing a set of image

processing routines on the primitive scanned image to thereby obtain the image qualities of the

original document, see col. 5, lines 48-57.

Lastly, at page 7, applicant states that Lo does not teach activating the scanner to perform a

final scan operation on the original document based on the suited image processing settings ..."

This limitation is supported in the specification at col. 16, lines 55-60. Lo teaches activating the

scanner to perform a final scan operation on the original document based on the suited image

processing settings to thereby obtain a final scanned image which is transferred to the application

program for use by the application program.

Hence, Lo is believed to teach every limitation alleged not to be shown by Lo as supported in

the text found above.

4.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the date of this final

action.

5.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Jerome Grant II whose telephone number is 305-4391. The examiner can

normally be reached on Mon.-Fri.. from 9:00 to 5:00.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

David Moore, can be reached on (703) 308-7452. The fax phone number for the organization

where this application or proceeding is assigned is 872-9314.

     Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 305-3900.

J. Grant II

Nov. 22, 2002   JEROME GRANT II
                PRIMARY EXAMINER